REMARKS

Claims remaining in the present patent application are Claims 16, 18-20, 22, 24-28, 30-36 and 38-45. By the amendment above, Claims 24, 38, and 41 have been amended, and new Claims 44 and 45 have been added. Applicant respectfully asserts that no new material is introduced as a result of the amendments herein. Applicant respectfully requests consideration of the above captioned patent application in light of the remarks presented herein.

Drawings

Applicant has added new FIGS. 4-6 to accommodate the Examiner's objection.

Rejections Under 35 U.S.C. §112, first paragraph

Claims 24-36 and 38-43 are rejected as failing to comply with the written description requirement.

Regarding independent claim 24, the Examiner asserts that support in the specification has not been found for the limitations emphasized by the Examiner in bold below:

> wherein said selecting is based on a graphical user interface that enables user navigation of a hierarchical organization of a library of layout configurations based on a user specification of a total number of photos for said photo album page **and a user specification of a first subset of said total number of photos having a landscape orientation and a second subset of said total number of photos having a portrait orientation**, said user specified total number of photos **and said user specified first subset of said total number of photos having a landscape orientation and user specified second subset of said total number of photos having a portrait orientation** being used to generate a graphical listing of thumbnail images . . .

Paragraph 0028 of Applicant's specification describes a mechanism for navigating through a library of layout configurations as follows:

> In general, it should be noted that the collection of layout configurations can also be presented to the user in a structured hierarchical manner. This organized presentation would enable the user to navigate through a greater number of potential layout

> configurations as the user quickly and intuitively drills down to the particular layout configuration that meets his/her needs. For example, a structured hierarchy can be defined based on the number of photos, the orientation of the photos (e.g., portrait or landscape mode), the size of the photos, or any other element of categorization that would be recognizable to the user.

As this excerpt sets forth, a library of layout configurations can be navigated in a structured manner. As FIG. 3 illustrates, a subset of the library of layout configurations can be generated through the identification of all layout configurations having, for example, five photos. This navigation mechanism would be advantageous to a user that knows, a priori, the number of photos that is desired to be included in a photo album page. The use of the "number of photos" represents one example of a navigation mechanism. A second example of a navigation mechanism is the orientation of the photos (e.g., portrait or landscape mode). The portrait and landscape modes represent examples of photo formats, which generally define an aspect type of ratio of the photos.

In defining a structured hierarchy, any combination of those elements of categorization can be used. The greater the combination, the greater the culling of the library of layout configurations in generating a subset that is observable by the user and more exactly matches the photos and formats desired by a user for an album page. In claim 24, two elements of categorization are used, the number of photos and the landscape and portrait orientations of the photos. As noted at paragraph [0015], "the present invention incorporates the aforementioned geometrical rules, keys on the number and formats of the photos selected by the user for a given photo album page, and builds on a multiplicity of background and layout-configuration templates with a copy-and-paste methodology." Applicant notes that the keying on the "number and formats of the photos" provides yet another reference to the embodiment of using the total number of photos and the orientation of the photos as claimed.

For at least reasons, Applicant submits that claim 24, as well as its dependent claims, fully meet the written description requirement. Claim 38 recites a similar limitation of using the number of photos and the landscape and portrait formats. Thus, for at least the reasons noted above with respect to claim 24, Applicant submits that claim 38, as well as its dependent claims, fully meet the written description requirement.

Regarding independent claim 41, the Examiner asserts that support in the specification has not been found for the limitations emphasized by the Examiner in bold below:

>**receiving a user selection of a group of photos, said group of images containing a first subset of photos having a landscape orientation and a second subset of photos having a portrait orientation;**
>automatically selecting a layout configuration from a library of layout configurations, said automatically selected layout configuration having a total number of photos matching said selected group of photos, **a number of landscape oriented photos matching said number in said first subset, and a number of portrait oriented photos matching said number in said second subset, wherein said automatically selecting is not based on a user's particular identification of said automatically selected layout configuration**; and
>displaying a photo album page having a [layout] **defined by said automatically selected layout configuration and having said selected group of photos applied to said selected layout configuration, wherein said first subset of photos are placed at locations on said photo album page that are defined for landscape oriented photos, and said second subset of photos are placed at locations on said photo album page that are defined for portrait oriented photos.**

At paragraph [0034] of Applicant's specification, a user is described as having the capability of selecting a group of images that would be applied to a particular album page. This selected group of images can be automatically associated with image placeholders. At paragraph [0035], the specification further notes that the association of images to image placeholders can be based on the formats of the image relative to the image place-holders. In other words, the number of landscape photos and the number of portrait photos in a user's selected group of photos can be used in an association process.

The process of selecting a layout configuration can be performed directly or indirectly. As noted at paragraph [0032] of Applicant's specification, the direct selection of the particular thumbnail would necessitate the loading of a layout configuration onto an album page. Alternatively, the layout configuration can be selected indirectly through the selection of one or more photos. Specifically, as noted at paragraph [0032], the user can "drag-and-drop, copy-and-paste, or perform any other action" that would accomplish the indirect selection of a layout

configuration. In other words, the user's drag-and-drop or copy-and-paste of a group of photos can be used to effect an indirect selection of a layout configuration using an association routine based on the formats of the selected group of photos. Applicant's claim 41 refers to this indirect selection by stating that the "automatically selecting is not based on a user's particular identification of said automatically selected layout configuration."

For at least these reasons, Applicant submits that claim 41, as well as its dependent claims, fully meet the written description requirement.

Rejections Under 35 U.S.C. §103

The Examiner rejected claims 24, 26-28, 31, 34, 36, and 38-43 as being unpatentable over U.S. Patent No. 6,301,586 to Yang et al. (hereinafter "Yang") in view of U.S. Patent No. 6,097,389 to Morris et al. (hereinafter "Morris").

Applicant's claim 24 recites hierarchical navigation based on a user specification of a total number of photos for the photo album page and a user specification of a first subset of the total number of photos having a landscape orientation and a second subset of the total number of photos having a portrait orientation. For example, where a user specifies a total number of five photos for the photo album page, the user can also specify that of the five photos two photos have a landscape orientation and three photos have a portrait orientation. The result of these user specifications would be the display of thumbnails of all of the layout configurations that have five total photos, wherein two photos have a landscape orientation and three photos have a portrait orientation. FIG. 5 illustrates an example of such a result. The display of multiple thumbnails representing a subset of the library of layout configurations would enable the user to select a particular layout configuration for application to the photo album page that exactly matches not just the total number of user-selected photos, but also exactly matches the specific numbers of that selection of photos that are either landscape or portrait oriented.

Applicant submits that neither Yang nor Morris teach such a claimed feature. The Examiner begins by asserting that Yang teaches the specification of the total number of photos, a first subset of the total number photos having a landscape orientation, and a second subset of the total number photos having a portrait orientation. The Examiner relied on the specification of the "Number of Pictures per Page" (see FIG. 14 of Yang, which is reproduced below) for the teaching of Applicant's specification of the total number of photos.
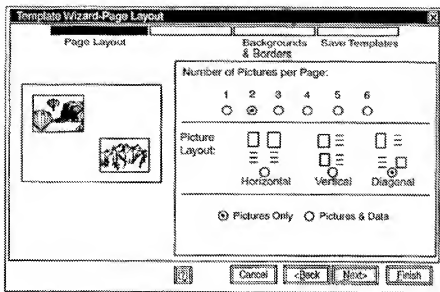
FIG. 14

The Examiner then asserts the following regarding the specification of the first subset of the total number photos having a landscape orientation and the second subset of the total number photos having a portrait orientation:

> Yang teaches a GUI for, *a user specification of a first subset of said total number of photos having a landscape orientation and a second subset of said total number of photos having a portrait orientation*, because Yang discloses that a user can set the page orientation for each template, either portrait or landscape (Fig. 12, col. 15, l. 14-7). (Italics in Original)

The template orientation in the GUI of FIG. 12 of Yang (reproduced below) relates to the orientation of the printed page, not to the orientation (i.e., landscape/portrait formats) of the pictures. In other words, the template orientation of the GUI in FIG. 12 does not relate to the orientation of a single photo. Moreover, the template orientation of the GUI in FIG. 12 does not relate to a first subset of the total number photos having a landscape orientation or a second subset of the total number photos having a portrait orientation. In fact, as the template orientation of the GUI in FIG. 12 can only specify one of a portrait or landscape orientation and not both, Yang cannot possibly teach the specification of both a first subset of the total number

photos having a landscape orientation and a second subset of the total number photos having a portrait orientation.
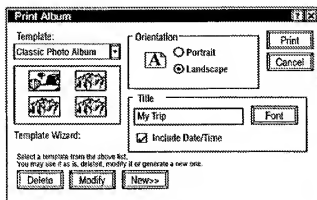

FIG. 12

The Examiner's further assertion that "while Yang does not explicitly teach rotating the photo orientation, Morris teaches changing the photo orientation by rotating the photo" does not appear relevant to Applicant's specification of both a first subset of the total number photos having a landscape orientation and a second subset of the total number photos having a portrait orientation. Rotating a picture has nothing to do with its intrinsic landscape or portrait format.

Notwithstanding the inapplicability of Yang's orientation selection in the GUI to Applicant's specification of a first and second subset of the total number of photos, the Examiner then asserts that "Yang teaches that the user specified number of photos is used to generate a graphical listing of thumbnail images representing a subset of said library of layout configurations." Applicant first notes that the Examiner's contention misreads claim 24. The listing of thumbnail images is not generated based on the user specified total number of photos alone. Rather, the list of thumbnail images is generated based on the user specified total number of photos, the user specified first subset of the total number of photos having a landscape orientation, and the user specified second subset of the total number of photos having a portrait orientation. Yang does not teach such a claimed feature.

Moreover, Yang does not create a list of thumbnail images representing a subset of the library of layout configurations. In Yang's FIG. 14, the user can make a "Picture Layout" selection from the Horizontal, Vertical, or Diagonal choices. These Horizontal, Vertical, or Diagonal choices are not generated thumbnails. Rather, these graphics are static images that are

used to represent a generic type of layout configuration. The specific layout configurations are listed graphically in the Table 3 of Yang. Thumbnails representing these specific layout configuration are not used in the GUI. As further illustrated in FIG. 14, a Page Layout preview is also included. While this Page Layout preview is generated, this is a single preview and not a "graphical listing of thumbnail images".

Morris also suffers similar deficiencies as those of Yang. While the Examiner notes FIG. 12A of Morris (see below), Morris again teaches only a single preview window 1209 that previews a single layout configuration. There is no delineation of landscape nor portrait formats in either the depiction of the page or the depiction of the pictures.
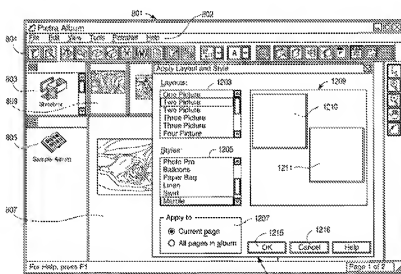

FIG. 12A

For at least the reasons noted above, Applicant submits that the combination of Yang and Morris does not present a prima facie case of obviousness. The rejection of independent claim 24, as well as dependent claims 26-28, 31, 34, 36, is therefore traversed.

Applicant's claims 38 and 41 recite similar features as claim 24, in the specification of the total number of photos, a first subset of the total number of photos having a landscape orientation, and a second subset of the total number of photos having a portrait orientation. Accordingly, for at least the reasons noted above with respect to claim 24, Applicant submits that the rejection of independent claims 38 and 41, as well as dependent claims 39, 40, 42, and 43, is also traversed.

The Examiner rejected claims 25, 32, 33 and 35 as being unpatentable over Yang in view of Morris and further in view of U.S. Patent No. 6,964,025 to Angiulo et al. (hereinafter "Angiulo"). Claims 25, 32, 33 and 35 are each dependent on independent claim 24. Accordingly, even assuming that Angiulo teaches all that the Examiner alleges, the rejection of claims 25, 32, 33 and 35 are traversed for at least the reasons noted above with respect to claim 24.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections, and that they be withdrawn. The Examiner is invited to telephone the undersigned representative if an interview might be useful for any reason.

Respectfully submitted,

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